

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) C.A. No. 99-005-SLR
)
DENTSPLY INTERNATIONAL, INC.,)
)
)
Defendant.)
)

Sub
~~[PROPOSED] ORDER MODIFYING STIPULATED PROTECTIVE ORDER~~

WHEREAS, on July 27, 1999, pursuant to Federal Rule of Civil Procedure 26(c)(7), this Court entered the Stipulated Protective Order governing disclosure in this case;

WHEREAS, Paragraph 9 of the Stipulated Protective Order provides as follows:

9. Except as otherwise authorized by this Order, all persons obtaining access to Confidential Information in connection with this action shall use that information only for preparation and trial of this action, including any appeal and retrial, and shall not use such Confidential Information for any other purpose, including the furtherance of that person's business interests, or in any administrative or other proceeding. Any person found to have made an impermissible use of Confidential Information shall be subject, without limitation, to civil and criminal penalties for contempt of court.

WHEREAS, Paragraph 21 of the Stipulated Protective Order provides as follows:

21. Nothing in this Order shall prevent either party from seeking modification of this Order upon motion duly made pursuant to the Rules of this Court nor shall it prevent a protected person from making a motion, pursuant to paragraph 4 of this Order, duly made pursuant to the Rules of Court.

WHEREAS, the Third Circuit Court of Appeals found in this case that Dentsply violated Section 2 of the Sherman Act;

WHEREAS, a third-party, Vident, has filed a lawsuit against Dentsply in the United States District Court for the Central District of California, in an action entitled *Vident v. Dentsply International, Inc.*, Case No. SACV 06-1141 PSG (ANx) (C.D. Cal.) (the “*Vident Action*”), alleging that Dentsply violated Section 2 of the Sherman Act;

WHEREAS, the *Vident Action* and the above-captioned case concern common questions of law and fact;

WHEREAS, Vident has timely moved to intervene for the sole purpose of modifying the Stipulated Protective Order in this case in order to allow Dentsply to disclose to Vident, for use in the *Vident Action*, materials designated under the Stipulated Protective Order;

WHEREAS, this Court may properly exercise jurisdiction over any previously entered confidentiality order in this case;

WHEREAS, the United States of America and Dentsply do not oppose Vident’s Motion to Intervene for the Sole Purpose of Modifying the Stipulated Protective Order nor its proposed modifications;

IT IS HEREBY ORDERED this 13th day of December, 2001 that:

1. Paragraph 9 of the Stipulated Protective Order is amended (as designated by the underlining) as follows:

9 Except as otherwise authorized by this Order, all persons obtaining access to Confidential Information in connection with this action shall use that information only for preparation and trial of this action, and *Vident v. Dentsply International, Inc.*, Case No. SACV 06-1141 PSG (ANx) (C.D. Cal.), including any appeal and retrial, and shall not use such Confidential Information for any other purpose, including the furtherance of that person’s business interests, or in any administrative or other proceeding. Any person found to have made an impermissible use of Confidential Information shall be subject, without limitation, to civil and criminal penalties for contempt of court.

2. Paragraph 10 of the Stipulated Protective Order is amended (as designated by the

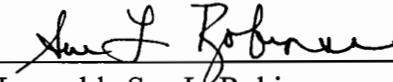
underlining) as follows:

10. Except as otherwise authorized by this Order, information designated as confidential shall be used only in connection with this action, and Vident v. Dentsply International, Inc., Case No. SACV 06-1141 PSG (ANx) (C.D. Cal.), shall not be disclosed to any person other than the individuals set forth below, may be disclosed only as necessary in connection with this action, and Vident v. Dentsply International, Inc., Case No. SACV 06-1141 PSG (ANx) (C.D. Cal.), to the individuals set forth below, and may be used by those individuals only as necessary in connection with this action, and Vident v. Dentsply International, Inc., Case No. SACV 06-1141 PSG (ANx) (C.D. Cal.):

* * *

(h) members and employees of the firm of trial counsel for Vident and Dentsply in Vident v. Dentsply International, Inc., Case No. SACV 06-1141 PSG (ANx) (CD Cal), and any other individuals who are entitled access to Confidential Information under a protective order entered in that case that allows no broader dissemination than the dissemination allowed by this protective order.

Dated: 12/13/07


Honorable Sue L. Robinson
United States District Judge